

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BARBARA A. POTASHNICK,
Plaintiff,

v.

FEDERAL DEPOSIT INSURANCE
CORPORATION, et al.,
Defendants.

Master File No. 09-504RAJ

No. C09-1666RAJ

ORDER

The court held a telephone conference on May 6, 2010, to address outstanding issues raised as to (1) consolidation of *Potashnick v. Fed. Deposit Ins. Corp.* (No. C09-1666RAJ) with the consolidated lawsuit, *In re Former Employees of Washington Mutual Bank v. FDIC as Receiver for Washington Mutual Bank, et al.* (No. C09-504RAJ), (2) Plaintiffs' unripe motion to amend their complaint in the consolidated lawsuit, and (3) how either of these issues affect the pending motions to dismiss (Dkt. ## 20, 26). This order memorializes the court's oral rulings.

1 First, the parties (including FDIC-Corporate, which orally joined in the
2 stipulation during the telephone conference) stipulate that *Potashnick* should be
3 consolidated into the master file. The court's ruling on the pending motions to dismiss
4 will be binding in *Potashnick* to the extent applicable, though the *Potashnick*
5 complaint raises a claim regarding a retirement account not addressed in the pending
6 motions to dismiss, so that claim will be separately adjudicated. The other Plaintiffs'
7 admissions will also not be binding in *Potashnick*. Thus, the court GRANTS the
8 parties' stipulation filed in *Potashnick* (C09-1666RAJ, Dkt. # 8).

10 Second, the court intends to streamline the process of adjudicating *Potashnick's*
11 separate claim. At this time, the factual basis for Ms. Potashnick's claim is unclear,
12 and it is also unclear whether any of the other Plaintiffs could bring a similar claim.
13 Though the consolidated Plaintiffs have filed a motion to amend their complaint to
14 *potentially* add, *inter alia*, a claim similar to Ms. Potashnick's retirement-account
15 claim, the motion does not specifically identify if any of the Plaintiffs are similarly
16 situated to Ms. Potashnick with regard to a retirement account. Due to that factual
17 ambiguity, the Plaintiffs agreed to withdraw their motion to amend filed in the master
18 case (C09-504RAJ, Dkt. # 84), and instead investigate whether any of the consolidated
19 Plaintiffs have the factual basis to assert a retirement-account claim. The Plaintiffs
20 may file a new joint motion to amend, along with any documentary evidence available
21 to support the new claims, no later than May 21, 2010. This motion will adhere to the
22 briefing and noting schedule as provided in Local Rules W.D. Wash. CR 7(d) and (e).

1 Thus, as a result of this order, because the court GRANTS the parties'
2 stipulation (C09-1666RAJ, Dkt. # 8), the clerk is directed to consolidate C09-1666RAJ
3 into C09-504RAJ. In the future, all *Potashnick* filings must be filed in the master file,
4 C09-504RAJ. The clerk shall enter this order in both C09-504RAJ and C09-1666RAJ.
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6 DATED this 11th day of May, 2010.

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10 The Honorable Richard A. Jones
11 United States District Judge
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